

APPROVED: Meeting No. 37-82

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 35-82

September 13, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, September 13, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow; Assistant City Manager Daniel Hobbs; Director of Community Development Douglas Horne; Director of Planning James M. Davis; Budget Officer Anna Lee Berman.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. The City will begin providing a crossing guard tomorrow at the intersection of Dawson Avenue and North Washington Street. Hours for the crossing guard will be Tuesday, Thursday and Saturday from 9:15 a.m. to 1:15 p.m. until the pedestrian activated signal is installed later this year. Heritage House has been notified.
2. The Park Road traffic signals were switched to automatic control following several weeks of field testing. The modification of the signal at Maryland Avenue and Jefferson Street is underway.
3. The smoothsealing of streets in the City continued this week and is approximately 25 percent complete.

Mayor Freeland noted that the City Manager was late at the meeting this evening because he was receiving an award for his baseball team which won the City championship. He told about the fine day yesterday at the Woodley Senior Center celebrating National Grandparents Day. The staff did an excellent job.

Earlier this evening, the City dedicated the new solar energy system at the Rockville Municipal Swim Center built at a cost of \$130,000. It will displace at least 40 percent of the natural gas currently required to heat water for the

indoor pool and related rooms. This system was conceived in 1978 by the Rockville Energy Commission, a citizen's volunteer group, and is the result of four years of planning and design. In 11 years it will pay for itself through savings.

Councilman Tyner noted that he recently attended the National Energy Conference of the National League of Cities in Nashville, Tennessee. Rockville is in the forefront of other cities. Don Vandrey, the City's energy expert, was the speaker on a panel discussing the conversion of vehicles to propane.

Mayor Freeland noted former Councilman Dick Haight, present in the audience solar this evening, who was a member of the Energy Commission when talks of the pool system were begun.

Re: Appointments

Mayor Freeland, with the confirmation of the Council, made the following appointments:

Traffic & Transportation Commission: Herbert Pennock - reappointment - 2 year term
Marty Reiss - reappointment - 2 year term
Recreation and Park Advisory Board: Roger McArthur - appointment - 2 year term
882 College Parkway #101

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Hilary Harris, re assistance of City with Board of Education situation
2. Charlotte Merman, re summer recreation program
3. Mrs. J. Chambers, re thank you
4. John T. McDonald, re parking ticket
5. Debora Walker, re busing situation and Board of Education
6. Mr. & Mrs. Barnett, re compliments to City employee
7. Senator Sarbanes, re S2105 and S2106
8. Walter Mason, re City and its employees
9. New Rockville Town Center Partners, re extension

Councilwoman Hovsepian read the letter which requested an extension of time for the developer in reporting a hotel franchise. Mayor Freeland asked that this item be placed on next week's agenda for Mayor and Council action.

Re: Information Items

1. Memo from Director of Public Works re Storm Drain at Mount Calvary Church
2. Copy of letter to National League of Cities responding to survey request
3. Letters complimenting summer program

4. Memo from City Manager re Historic Preservation Master Plan

Councilwoman Hovsepian asked the staff the status of the Historic Preservation Plan since the date printed in the memo had already passed. The Director of Planning said the Plan is at the printers and will be to the Council soon.

5. Copy of City Attorney's letter to Mrs. Harris re Board of Education

6. Memo from Energy Planner re Solid Waste Recovery System

7. Memo from Director of Public Works re Washington Street Project Status

Councilwoman Hovsepian asked if the project is going ahead on schedule. Mr. Butchart said it is. He noted that it should not interfere with Christmas shopping.

8. Memo from Director of Public Works re Stop sign at Kent and Goldsborough

9. Memo re Courthouse Square Grand Opening

10. Memo re Municipal Officials Workshop

11. Planning Director's response and letter of complaint from New Mark Commons

12. Copy of letter to Councilman Duncan from New Mark Commons re Falls Road interchange
Copy of letter to Planning Commission from New Mark Commons re " " "

13. Memo from City Attorney re lawsuit

14. Memo re Public Transportation Alternatives

15. Memo from Special Counsel Titus re Legislative Redistricting Suit

16. Information for National League of Cities meeting in Los Angeles

17. Memo from Director of Recreation re Friends of the Arts Appointments

Councilwoman Hovsepian moved that the Mayor and Council go along with the staff's suggestion of using volunteers and awaiting appointments to the Board of Directors. Councilman Tyner noted people willing to work should be considered. He suggested that members of groups which use the theatre be asked. Mayor Freeland said the initial Board members should not be only Rockville people, but that should be the staff's first efforts. The Council agreed to this.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein said there is a Montgomery County Program for children who leave home. It has been denied the \$73,000 funding it needs to continue. He suggested the cities in Montgomery County might create a consortium to provide this service.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Award of Contract: Bid No.
8-83, Gude Drive landscaping

This bid represents the culmination of the Gude Drive Landscape planning process for development of a visual screen between the roadway and the adjacent residences and the aesthetic enhancement of the berms for the benefit of the adjacent residents as well as the roadway users. The landscaping details were presented to the Mayor and Council on July 19, 1982, at which time they authorized a \$190,000 budget and directed the staff to proceed on the implementation of the plan.

The planting scheme basically provides for a staggered row of white pines along the top of the berm, spaced at 8-foot centers and of adequate height to provide some immediate visual screening, with substantial improvement as the trees grow. In addition, shrubbery and trees of both the shade and flowering species will be strategically placed along both sides of the berm slopes to enhance the appearance.

Bids were opened in the City Hall Council Chambers on Tuesday, August 31, 1982, at 8:00 p.m. Thirty-one bidders requested documents and of this number seventeen submitted bids as follows:

Patrick J. Ellis, Poolesville, Maryland	\$122,125.90
Cheap Eddie's Nursery, Rockville, Maryland	129,721.00
Aspen Landscape Contractors, Inc., Silver Spring, Maryland	141,902.74
Davis Landscape, Inc., Gaithersburg, Maryland	157,876.25
MDG, Inc., Baltimore, Maryland	158,925.00
Potomac Valley Nurseries, Gaithersburg, Maryland	159,933.00
Chapel Valley Landscape Co., Woodbine, Maryland	163,297.00
J.H. Burton & Sons, Inc., Hyattsville, Maryland	164,400.48
Oaklawn Development Corp., Hyattsville, Maryland	172,967.00
Arbor Landscapers, Inc., Silver Spring, Maryland	176,452.00
Paul E. Schlasser Co., Inc., Silver Spring, Maryland	185,324.00
Gustin Gardens, Inc., Gaithersburg, Maryland	196,223.43
Davis Nurseries, Inc., Harrisburg, Pennsylvania	201,265.30
Stock Brothers, Inc., Rockville, Maryland	214,800.00
Ray Sears & Son, Inc., Gambrills, Maryland	231,249.00
Middleton Landscaping Co., Inc., Gaithersburg, Maryland	249,974.00
Greenbrier Farms Landscaping, Inc., Chesapeake, Virginia	256,580.00
Engineer's Estimate	\$168,000.00
Appropriation	\$190,000.00

The contract provides the City with very specific authority to inspect, select, reject and approve the plantings and sets forth methods for installation and maintenance. In addition, the contractor is to guarantee survival for a one year period and replace dead plantings during that period.

The contract provides a completion date of December 13, 1982, which is realistic, barring unusual weather conditions.

Though the low bidder P.J. Ellis has not had a contract with the City before, they were recently awarded the Civic Center Plant material contract. In addition, several references were provided, including two highly reputable development companies both of which rated Ellis Company as an excellent contractor. In a recent meeting, Mr. Ellis indicated he was comfortable with his bid price and he feels very confident that he can meet all of the conditions including the time limitation specified in the contract.

It is recommended that the contract be awarded to the low bidder, P.J. Ellis Company, in the amount of their bid of \$122,125.90.

Councilman Abrams asked if the staff has checked the references. Mr. Hobbs said it has. Councilman Abrams suggested that staff maintain liaison with the neighborhood and keep them advised of this.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 8-83, for Gude Drive Landscaping was awarded to Patrick J. Ellis, Co., in the amount of \$122,125.90.

Re: Award of Contract: Bid
No. 10-83, Uniforms

Due to the impending expiration of a four-year contract, bids were opened on August 30, 1982, for furnishing and maintaining worker's uniforms on a rental basis. The bid, for the first time, included rental of "in-out" lockers for each employee, and soiled garment dispensers.

Specifications were mailed to twenty-eight (28) companies. Bids were received from five (5).

Ace Uniform Rental, Baltimore, Maryland
Carter Industrial Laundry, Landover, Maryland
Coyne Industrial Rental, Baltimore, Maryland
Industrial Towel Supply, Inc., Laurel, Maryland
Rentex Services Corp., Baltimore, Maryland

Bids were requested for two-year and four-year contracts. They were:

<u>Length of Contract and Cost per Year</u>	<u>Two-Year</u>	<u>Four-Year</u>
Rentex	\$45,210.00	42,242.30
Coyne	47,371.25	47,371.25
ITSI	No bid	47,758.20
Ace	No bid	55,171.48
Carter	No bid	6.,249.12*

*One year. 5% increase 2nd, 3rd, 4th year

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Staff recommends an award to Rentex for a four-year contract @ \$2,242.30 per year retaining the current jacket allocation for FY 83 but reserving the option to change the allocation in years 2, 3 and 4.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 10-83, was awarded to Rentex Services Corp. for a four year contract at \$42,242.30 per year as recommended by the staff.

Re: Preliminary Review and Referral
of Text Amendment Application
T-53-82, Prudential Insurance
Co., requesting changes in
the I-3 zone

The subject text amendment has been filed by Prudential Insurance Co., for the purpose of adding some site design flexibility to certain lots in the I-3, Industrial Park Zone. In concept, neighboring lots planned and approved under a joint site design and use permit could have reduced setbacks along their commons (interior) lot line. Joint use of parking is also included in the proposed text amendment, however, this can already be accommodated by the Zoning and Planning Ordinance.

This concept could have application in a variety of situations where I-3 zoning presently exists or is planned in Rockville.

The staff recommends that the Mayor and Council accept the application and forward it to the Planning Commission for review on its merits.

Councilman Abrams asked if the City currently has a PRU plan for industrial property and whether the Planning Commission might consider that approach. Mr. Owens said at the hearing review process that certainly can be talked about along with the safeguards. Councilman Tyner cautioned that no lot can stand alone after approval as an entity.

On motion of Councilman Duncan, duly seconded and unanimously passed, Text Amendment Application, T-53-82, was accepted by the Mayor and Council and sent to the Planning Commission for further review.

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Re: Public Hearing:
Exploratory Application for
Residential Townhouse Develop-
ment, RTH-3-82, Rockmont Assoc.
Limited Partnership, request to
construct eighty-eight townhouse
units on an eight acre tract of
land off Rockville Pike, adjacent
to Woodmont Country Club, just
north of Congressional North
Shopping Center

The Mayor and Council conducted a public hearing on an exploratory residential Townhouse Development Application, RTH-3-82, Rockmont, Associates, Limited Partnership, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Application
to Close and Abandon Public
Way, SCA-41-82, C.M. Whalen,
Applicant, requesting the
abandonment of a thirty foot
wide service drive easement,
on Rockville Pike near the
intersection of Edmonston
Drive.

The Mayor and Council conducted a public hearing on an application to Close and Abandon Public Way, SCA-41-82, C.M. Whalen, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Proposed
Parking agreement and lease
of the City-owned garage
beneath the Commons

The Mayor and Council conducted a public hearing on the Proposed Parking agreement and lease of the City-owned garage beneath the Commons, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open until October 8, 1982.

(At this time the Mayor and Council took a five minute recess.)

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Re: Decisions and Instructions
to Staff re Text Amendment
T-52-82, Political Signs

This is a text amendment to the Zoning Ordinance that was heard in public hearing on August 30. The amendment application came as a result of a task force of Montgomery County, Gaithersburg and Rockville in order to have uniform laws in the jurisdictions.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, (Councilman Abrams absent at this time) staff was instructed to prepare the necessary legal documentation to approve the application with the elimination of the Master Permit requirement.

Re: Approval of Public Parking
Facilities Proposal as required
by the disposition agreement
with the New Rockville Town
Center Partners

Section 3.04 of the Disposition and Development Agreement Between the Mayor and Council of Rockville, Maryland, and the New Rockville Town Center Partners requires: "On or before September 15, 1982, the City shall submit to the Developer a written Public Parking Facilities Proposal..." The proposal is to describe how "the City proposes to satisfy its obligations to provide parking facilities and improvements, a description of the legal and organizational structure to be used by the City.." and "a general proposal for financing the development and operation of the parking facilities."

Submitted to the Mayor and Council for review and approval is a Public Parking Facilities Proposal which has been prepared in accordance with Section 3.04 of the Disposition Agreement. Upon its approval by the Mayor and Council the proposal will be transmitted to New Rockville Town Center Partners.

Upon receipt of the Parking Facilities Proposal, the Developer has forty days to approve or disapprove the document. If it is disapproved, the Developer must advise the City of the specific reasons for its disapproval and must indicate what steps the City must take to make the proposal acceptable.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Parking Facilities Proposal was accepted and approved by the Mayor and Council and will now be transmitted to the New Rockville Town Center Partners.

Re: Resolution: To Create Town
Center Parking Committee and
Make Appointments to the
Committee

Resolution No. 26-82

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 26-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council creating a Town Center Parking Committee was adopted by the Mayor and Council.

Mayor Freeland proposed the following names. They were confirmed by the Council:
Steering Committee - Lowell Baier, Chairman; Peter Stahel; Richard Kimmel; Patricia Lee; Roger Eisinger; Joseph Lynott; Glen Gaskin; Dennis Cain; John Morton.
Resource Committee - Robert Shawn, Chairman; Deane Shure; Robert Myers; Pierre Eaton; Hansen Watkins; Hugh O'Conner; Irwin Schwartz; Robert Turner; and a representative from the Traffic & Transportation and Planning Commissions.

Re: Authorization to file
Planned Residential Unit
Exploratory Application
Amendment for PRU-14-79, for
Dawson Farmhouse to expand
its uses so that the resident
can construct an addition for
his residence and business
uses

Eileen McGuckian has requested that this item be postponed for a week. The Mayor and Council agreed to this request.

Re: New Business

1. Councilman Abrams asked that it be noted for the record that had he been present when the vote was taken on Text Amendment T-53-82, he would have opposed the motion. He does not feel the ordinance is currently enforceable. He also has a problem with the stipulation of one sign per lot.

2. Councilwoman Hovsepian noted that at the time the Mayor and Council conducted a hearing on the nuclear freeze, they allowed the record to be held open for a specified amount of time. After the record closed, additional speakers came to the Mayor and Council that evening to testify. It is her belief that some decisions must be made on the record only. She asked that the City Attorney's office brief the Mayor and Council and explain the limitations on testimony and records closing, and this be an agenda item so that the public can be informed as well as the Mayor and Council.

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3. Councilman Tyner asked when the children's program tickets would be mailed for Six Enchanted Evenings. The City Manager said he would get that information.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 31-82, August 9, 1982, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 32-82, August 16, 1982, were approved as amended.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 12:08 a.m. to convene again in general session on Monday, September 20, 1982, at 8:00 p.m. or at the call of the Mayor.